

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TYRELL KNIGHT,)	
)	
Plaintiff,)	4:06CV3065
)	
v.)	
)	
RAYMOND EDELMAN, sued in)	MEMORANDUM
both their individual and official)	AND ORDER
capacities, UNKNOWN)	
NOORDHOCK, Corporal, sued in)	
both their individual and official)	
capacities, CALVIN HAYWOOD,)	
sued in both their individual and)	
official capacities, and UNKNOWN)	
PIPER, Sergeant, sued in both their)	
individual and official capacities,)	
)	
Defendants.)	

This matter is before the court on Plaintiff's Motion for Reconsideration (filing no. 54), which the court construes as a Motion for Relief from Judgment filed pursuant to Rule 60(b)(1). In his Motion, Plaintiff states that he was recently hospitalized for a period of time and that he did not receive legal mail during his hospitalization. (*Id.*) Further, Plaintiff states that he has had difficulty finding permanent housing and that his address on file with the court was not the same as the address at which he was living. However, Plaintiff appears to have resolved the discrepancy and has since received mail from the court.

For good cause shown, Plaintiff's Motion for Reconsideration is granted. This matter is reinstated to the active docket. The parties shall abide by the court's Progression Order with regards to the drafting of the Order on Final Pretrial Conference, as modified below. (*See* Filing No. 44.) Plaintiff is reminded of his

obligation to keep the court informed of his current address. Failure to do so will result in dismissal of this matter, and the court will not reinstate it for a second time.

Plaintiff also filed a Motion to Proceed In Forma Pauperis (filing no. 55), in accordance with the court's January 28, 2008 Memorandum and Order. (Filing No. 50.) Upon review of Plaintiff's Motion and the affidavit included therein, the court finds that Plaintiff is financially eligible to proceed in forma pauperis. Plaintiff is relieved from his obligation to pay the remainder of the filing fee in this matter.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Reconsideration (filing no. 54), which the court construes as a Motion for Relief from Judgment filed pursuant to Rule 60(b)(1), is granted.

2. The Judgment entered on March 6, 2008 is vacated and this case is reinstated to the active docket.

3. The Progression Order is modified as follows: Defense counsel will have the primary responsibility for drafting the Order on Final Pretrial Conference, pursuant to the format and requirements set out in NeCivR 16.2(a)(2). The plaintiff will be responsible for cooperating in the preparation and signing of the final version of the Order. The Order should be submitted to the plaintiff and to any other parties by **April 14, 2008**. The plaintiff shall provide additions and/or proposed deletions to defense counsel by **April 28, 2008**. Defense counsel shall submit the Proposed Order on Final Pretrial Conference to the court by no later than **May 12, 2008**. If a party proposes an addition or deletion which is not agreed to by all the other parties, that fact should be noted in the text of the document. The Proposed Order on Final Pretrial Conference must be signed by all pro se parties and by counsel for all represented parties.

4. The Final Pretrial Conference will be held before Magistrate Judge David L. Piester on **May 28, 2008 at 10:00 a.m.** Prior to the pretrial conference, all items as directed in NECivR 16.2 and full preparation shall have been completed so that trial may begin at any time following the Pretrial Conference.

5. The Clerk of the court is directed to send a copy of this Memorandum and Order to Magistrate Judge Piester.

March 26, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge